

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:11-CR-91 JCM (CWH)

Plaintiff(s),

ORDER

V.

RAYMOND JUAREZ, et al.,

Defendant(s).

Presently before the court is petitioner Jose Figueroa's renewal of his motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (ECF No. 177).

This court denied petitioner’s initial motion under § 2255 on May 23, 2018. (ECF No. 130). The Ninth Circuit affirmed that denial in a memorandum disposition and the order on mandate was entered on May 27, 2022. (ECF Nos. 207; 210). During the pendency of that appeal, petitioner filed the instant renewal of his motion “to preserve the filing date” of his original motion in light of the Supreme Court’s decision in *United States v. Davis*, 139 S.Ct. 2319 (2019) and the Ninth Circuit’s decision in *United States v. Blackstone*, 903 F.3d 1020, 1028 (9th Cir. 2018).

In affirming this court’s denial of the original motion, the Ninth Circuit held that “Figueroa’s claim is barred by the collateral attack waiver in his plea agreement.” (ECF No. 207 at 2). Therefore, petitioner’s renewed motion regarding timeliness is moot.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner's renewed motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct sentence (ECF No. 177) be, and the same hereby is, DENIED.

The clerk is directed to enter separate civil judgment denying petitioner's § 2255 motion in the matter of *Figueroa v. United States*, case number 2:20-cv-01183-JCM, and to close that case.

DATED December 9, 2022.

James C. Mahan
UNITED STATES DISTRICT JUDGE